

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA**

YOLANDA IRVING, individually and as the natural parent
and guardian of J.I., JUWAN HARRINGTON, CYDNEEA
HARRINGTON, KENYA WALTON individually and as
the natural parent and guardian of R.W., ZIYEL WHITLEY,
DYAMOND WHITLEY, KAMISHA WHITLEY,
NANETTA GRANT as the natural parent and guardian of
Z.G., and
EMANCIPATE NC, INC.,

Plaintiffs,

v.

5:22:CV-0068-BO

THE CITY OF RALEIGH, Officer OMAR I. ABDULLAH,
Sergeant WILLIAM ROLFE, Officer RISHAR PIERRE
MONROE, Officer JULIEN DAVID RATTELADE, and
Officer MEGHAN CAROLINE GAY, JOHN and JANE
DOE Officers 1-10, in their individual capacities, Chief of
Police ESTELLA PATTERSON and City Manager
MARCHELL ADAMS-DAVID, in their official capacities.

Defendants.

**PLAINTIFFS' MOTION TO COMPEL
DEFENDANT CITY OF RALEIGH TO PRODUCE DOCUMENTS**
Fed. R. Civ. P. 37

Pursuant to Rule 37 of the Federal Rules of Civil Procedure, Plaintiffs hereby move to
compel Defendant City of Raleigh to produce documents as follows:

- a) All text messages involving Defendants, related to this Incident. (e.g., at her deposition, Officer Gay stated that VICE team 1 had a running group chat that the team communicated on via their work phones. She also stated that she communicated with other VICE members privately through text). *See Request No. 11.*
- b) All email messages involving Defendants related to this Incident. (e.g., at her deposition, Officer Gay stated that it was regular practice to communicate certain items with the VICE team via email, and to send search warrants to the SEU team via email when preparing for warrant execution). *See Request No. 11.*
- c) Officer Omar Abdullah's phone. SBI Exhibit 68 states that the RPD conducted an extraction of Officer Abdullah's phone. At her deposition, Officer Gay stated that a celebrity report is typically created when an extraction is done. *See Request No. 11.*
- d) A record of Officer Gay's written reports completed on behalf of Officer Abdullah. Officer Gay testified at her deposition that she regularly completed Incident Reports (FIR) and Warrants on behalf of Officer Abdullah. She stated that the computer system keeps a log of reports drafted under her account. *See Request No. 4.*
- e) All CI contact logs or forms related to Dennis Williams. *See Request No. 16-20.*
- f) All communications between defendants or defendants' counsel and the Wake County District Attorney's Office. *See Request No. 12.*
- g) All documents showing usage of the 10-21 software and each occasion on which it was used by the VICE officers or the SEU team. *See Request No. 4 & No. 11.*

In support thereof, Plaintiffs rely on the contemporaneously filed Memorandum in Support of Motion to Compel, Local Rule 7(c)(2) certification, and the exhibits attached to the Memorandum.

WHEREFORE, Plaintiffs respectfully asks this Court to compel Defendant City of Raleigh to produce documents, and respectfully asks this Court to issue sanctions.

Respectfully submitted, this the 19th day of December 2022,

/s/ Abraham Rubert-Schewel

Abraham Rubert-Schewel

(N.C. Bar # 56863)

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CERTIFICATE OF SERVICE

I hereby certify that on December 19, 2022, I electronically filed the foregoing **Motion to Compel** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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/s/ Elizabeth Simpson

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EMANCIPATE NC